

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 16-21 are pending, Claims 1-15 and 22-25 having been canceled without prejudice or disclaimer, and Claim 16 amended by way of the present amendment.

In view of the cancellation of Claims 1-15 and 22-25, the rejections with regard to these claims is moot.

In the outstanding Office Action Claim 16 was rejected as being anticipated by Margalit et al. (U.S. Patent Publication No. U.S. 2002/0051269); Claims 17-18 were rejected as being unpatentable over Margalit et al. in view of Liu (U.S. Patent No. 6,005,694); and Claims 19-21 were rejected as being unpatentable over Margalit et al. in view of Presby et al. (U.S. Patent No. 6,643,467).

In response, Claim 16 has been amended to define an optical communication network that includes at least two independent sub-networks, a backbone network configured to connect the sub-networks, a first communication path and a second communication path. The two independent sub-networks are not connected directly to each other with optical fiber links. Each of the sub-networks includes a plurality of communication nodes and each of the communication nodes is provided with a function of transmitting and receiving optical signals. The first communication path, which is through the backbone network, is for connecting a first communication node and a second communication node where the first communication node is included in one of the sub-networks and the second communication node is included in another one of the sub-networks. A second communication path, which is an optical space transmission path, is for connecting the first communication node and the second communication node. Support is found throughout the specification, for example at Figure 6, therefore no new matter is added.

Margalit et al. is directed to a reconfigurable over-the-air optical data transmission system. As recognized in the outstanding Office Action, Margalit et al. describes an optical communication network that has different sub-networks (e.g., formed by 18b, 20b and the second one by stations 20a, 20c and 20d (Office Action at page 4, first full paragraph)). The two networks are controlled by a common network controller which serves as a “nerve center” for both networks [0009].

In contrast, amended Claim 16 requires at least two independent sub-networks where a first communication path is through a backbone network and connects a first communication node in one of the sub-networks and a second communication node in the other sub-network. The claimed system also requires a second communication path being an optical space transmission path for connecting the first communication node and the second communication node. Margalit et al. describes a different type of system that incorporates the intertwined use of multiple networks, without the independence as claimed in amended Claim 16. Therefore, amended Claim 16 patentably defines over Margalit et al. As each of the other Claims 17-21 depend from Claim 16, and the ancillary references cited against Claims 17-21 do not cure the deficiency with regard to Margalit et al. and Claim 16, it is respectfully submitted that Claims 17-21 also patentably define over the asserted prior art.

The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.


Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073